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**CONCEPT NOTE ON THE THEME OF THE YEAR: “REFUGEES,
RETURNEES AND INTERNALLY DISPLACED PERSONS: TOWARDS
DURABLE SOLUTIONS TO FORCED DISPLACEMENT IN AFRICA”**

**CONCEPT NOTE AND ROADMAP FRAMEWORK
ON THE THEME OF THE YEAR: “REFUGEES, RETURNEES AND INTERNALLY
DISPLACED PERSONS: TOWARDS DURABLE SOLUTIONS TO FORCED
DISPLACEMENT IN AFRICA”**

1. In the framework of the long-term vision encapsulated in Agenda 2063 the African Union’s (AU) Assembly of Heads of State and Government adopted a Common African Position on Humanitarian Effectiveness (CAP) and called for a ten-year period of transformation to strengthen humanitarian action on the continent (Decision 604 (XXVI)). The CAP defines Africa’s new humanitarian architecture, which includes the creation of the African Humanitarian Agency as a vehicle for Africa’s humanitarian action. The new humanitarian architecture also emphasizes addressing root causes and achieving durable solutions, as well as bolstering the capacity of States and other stakeholders to tackle the challenges of forced displacement on the continent.

2. In this context, the AU will mark the theme of the year focusing on refugees, Internally Displaced Persons (IDPs) and returnees. It will also commemorate the 50th anniversary of the adoption of the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention) as well as the 10th anniversary of the adoption of the 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) in 2019. At its 29th Assembly in July 2017, the AU’s Executive Council called on the Union to declare 2019 the Year of Refugees, Returnees and IDPs, and called on the AU to work with the Office of the Secretary General of the United Nations, UNHCR and others to organize a series of commemorative events ‘that will bring global visibility to forced displacements in Africa’ (Decision 968 (XXXI)). In July 2018, at Nouakchott, Mauritania, AU Assembly of Heads of State and Government of the African Union adopted Decision AU/Dec.707(XXXI) declared 2019 as “the Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa.”

**BACKGROUND AND HUMANITARIAN AND DISPLACEMENT
SITUATIONS IN AFRICA**

3. There are estimated 68 million forcibly displaced persons in the world. Over a third of the world’s forcibly displaced persons are in Africa, including 6.3 million refugees and asylum-seekers and 14.5 million internally displaced persons (IDPs).¹ The causes of forced displacement and humanitarian crisis are multiple and complex. They include conflicts, poor governance, human rights violations, environmental degradation, effects of climate change and natural disasters. Many of the displaced also find themselves in protracted displacement situations. According to the United Nations High Commissioner for Refugees, there are 712, 000 stateless persons in the continent.

4. The vast majority of persons are displaced as a result of conflicts and violence. However natural disasters, health emergencies such as Ebola outbreak, food

¹ Global Trends UNHCR, June 2018.

insecurity, extreme poverty and other factors also underpin these challenges. In Africa, as in many other locations, far more people are displaced within the boundary of their countries. Politicization of immigration and xenophobia have exposed African refugees and migrants to various types of risks and violations. In some countries, large number of refugees and migrant remain in detention.

5. Despite significant resource constraints and limited capacities faced by many large-refugee population hosting countries in Africa, governments and local communities continue to shoulder responsibilities and showing solidarity by sheltering the displacement and facilitating their access to facilities. Too often this has degraded the resources and resilience opportunities for host communities. Beyond contributions toward a global public good, the actions by these countries towards fostering regional stability and peace is commendable. Against the backdrop of rhetoric on global solidarity and burden-sharing, several national refugee programs remain substantially underfunded, leaving refugees and host communities with little resource to rely on.

6. The scale of the displacement crisis is compounded by risks of trafficking, human rights abuse, incidents of refoulement, lack of adequate humanitarian assistance, mixed migration, sexual and gender based violence, forced recruitment and securitization of border areas, detention of asylum seekers, deportation, xenophobia and targeting of refugees and IDPs settlements. Mixed movement of migrants and refugees from East and the Horn of Africa, West Africa and Central Africa continue to become a major challenge in the region. Globally only 1 percent of refugees have access to resettlement. Access to tertiary education, important for supporting livelihoods of refugees, is considerably limited to refugees.

7. Lack of opportunities have forced particularly the youth from various parts of Africa to seek opportunities elsewhere, often being trapped in more complex and dangerous environments. Despite recent reform efforts to promote “out of camp” strategies and approaches in a number of African countries, many refugees are still placed in camps, being isolated from necessary services such as education, health and other services.

AU LEGAL AND POLICY FRAMEWORK

8. Africa has an impressive tradition of protecting the forcibly displaced. Complementing the global framework of international refugee and human rights law, Africa has developed a strong complementary regional refugee, IDP and human rights legal framework to address forced displacement. Currently, 46 of the AU's 55 Member States are party to the OAU Convention and 25 Member States are party to the Kampala Convention. At their adoption, these instruments were considered remarkable legal innovations, and they have since become cornerstones for the protection of forcibly displaced persons in Africa. The anniversaries provide a strategic opportunity to re-commit to the values, principles and standards of this legal framework.

9. The AU's Executive Council has urged AU Member States and the AU Commission to work, in collaboration with UNHCR, in implementing the 2016 New York Declaration for Refugee and Migrants (New York Declaration), particularly with regard to the Comprehensive Refugee Response Framework (CRRF), and to

contribute to the development of the Global Compact for Refugees (Decision 990 (XXXII)). The commemorations provide a strong platform on which to launch the operationalization of the forthcoming Global Compact on Refugees.

10. The OAU/AU has consistently marked milestone anniversaries of the OAU Convention. The first such initiative, the 'Commemorative Symposium on Refugees and the Problems of Forced Population Displacements in Africa', was held in Addis Ababa in 1994, the 25th anniversary of the Convention's adoption and 20 years since its entry into force. The symposium adopted the Addis Ababa Document on Refugees and Forced Population Movements in Africa. The OAU's Assembly of Heads of State and Government then went on to adopt the 'Tunis Declaration on the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa' (AHG/Decl 216). The 30th anniversary was marked by a meeting of government and non-governmental experts convened by the OAU and UNHCR in Conakry. This resulted in a Comprehensive Implementation Plan that was subsequently endorsed by the OAU's Council of Ministers, referred to by the OAU's Assembly of Heads of State and Government. Most recently, the 40th anniversary focused on the protection and assistance of IDPs and resulted in the adoption of the Kampala Convention.

11. Mechanisms for overseeing the implementation of the OAU Convention on Refugees is provided for under article 7 of the Convention. The Kampala Convention also provides for the establishment of a Conference of States Parties to monitor and review the implementation of the objectives of this Convention. Nine countries have not yet ratified the 1969 OAU Refugee Convention which turns 50 years old in 2019. 27 Member States of the AU are parties to the Kampala Convention. Member States shared their experiences in domesticating these two important treaties.

12. AUC need to implement advocacy activities on the ratification of the treaties. The RECs have an important role in studying, documenting and disseminating information on constraints and bottlenecks faced by Member States regarding ratification and domestication. These efforts could also facilitate inter-state learning, provide technical support and build capacities of Member States.

13. In order to achieve some of the objectives of the theme of the year, the AUC needs to quickly nominate the champion of the theme for the purpose of high-level advocacy and political mobilization including on ratification and domestication processes. The office of the Legal Counsel at the AUC need to work aggressively on the dissemination of the procedure for signature as well as the model law including organizing treaty signing events. A signing ceremony of the two conventions at the margins of the 32nd AU Summit by those who have not signed the Conventions needs to be organized.

14. The model law on Kampala convention is seen as an important tool supporting the domestication and implementation of the Kampala Convention. The humanitarian week and activities of the AU PSC could help reinforce ratification and domestication. In order to ensure increased ownership of implementation of the OAU/Kampala Convention, all actors need to popularize the treaties through workshops, awareness raising initiatives and capacity building training.

CROSS CUTTING AND PRIORITY ISSUES

15. Addressing *the needs of host communities*: Population hosting the forcibly displaced are often neglected with the primary focus placed on and attention given to the people displaced. Host communities need to be assisted and supported. This will increase their resilience, build trust and collaboration and support buy-in to humanitarian and development efforts.

16. A continental approach to meet the needs and face challenges: Refugee hosting countries should develop regional emergency response plans like the one elaborated for the South Sudan refugee crisis. This gives involved countries an opportunity to voice their demands as a region and a collective. Member states need to express, through guidance and support from RECs and AUC, their common concern and mobilize resources with the view to catering for the needs of affected population in a spirit of solidarity and partnership. In addition to relief and rehabilitation activities Member States should undertake collective efforts to address root causes of displacement. The active engagement of civil society organization, many of whom are front-runners and supporters of communal and national level efforts targeting refugees, IDPs and returnees, is paramount.

17. Thinking beyond short-term phenomenon: Displaced persons and refugees are more likely to thrive if allowed to explore and search for alternative coping mechanism. Addressing protracted displacement situations requires all actors to tap into the capacities and skills of the people affected. If the potentials of the people concerned are exploited properly, they can generate immense resources in support of local initiative, stirring communal and national-level development programs. Displaced persons need not be a burden. A shift to development-oriented and innovative approaches - ensuring the nexus between humanitarian and developmental program – is therefore called for. Commendable national-level efforts such as the Jobs Compact in Ethiopia and the new Uganda's liberal refugee policy were mentioned as lessons-learned in supporting self-reliance and resourcefulness of refugees and host communities.

18. Transparency, accountability and protection of humanitarian personnel: It is critical to ensure trust, transparency and accountability is maintained and strengthened across humanitarian work. Accountability should be part of the fabric of civil society organizations and NGOs. Beyond accountability to peer organisations and donors, organizations need to strengthen accountability to beneficiaries. Member States have the responsibility to ensure their laws are not impeding the activities of the badly needed interventions. States are also required to commit to the protection and safety of the humanitarian work force who often work and deliver much needed assistance to affected populations in hardship areas.

19. Supporting the role of the youth: More investment is needed to support the youth to encourage their role as elements of change and forces for development. Additional resources are needed to cater for alternative means of livelihoods. Increasing access to education and schooling is a critical element in this regard with a special focus on assisting the most vulnerable and the people in need. In this regard, the Djibouti Declaration on Regional Conference on Refugee Education in IGAD Member States, adopted in December 2017, was cited as an example of regional

policy framework aimed at expanding social services particularly education for the youth.

PRIORITIES AND OBJECTIVES

20. Against this background and in line with the CAP, the **overarching objective** is to undertake a series of activities in 2018, 2019 and beyond aimed at **addressing root causes and achieving solutions** to forced displacement in Africa.

21. Project 2019 will be guided by the following **priorities**:

- Inclusion of all persons affected by humanitarian crisis (refugees, IDPs, returnees and stateless persons) and concretely addressing the specific needs and capacities of women, youth and children;
- Age, gender and diversity mainstreaming;
- Member state ownership and stakeholder inclusion; and
- A whole of society approach.

22. Project 2019 is aimed at achieving the following **specific objectives**:

- Improved implementation of the OAU Refugee Convention and the AU Convention on IDPs-Kampala Convention in the current sub-regional, regional and global contexts;
- Reinforcement of the AU's Agenda 2063, the African Peace and Security Architecture Roadmap and the Common African Position on Humanitarian Effectiveness (CAP); and
- Establishing linkages with Sustainable Development Goals, the New York Declaration, the CRRF and the Global Compact on Refugees (programme of action + CRRF).

SUMMARY OF ACTIVITIES

23. Project 2019 activities include:

- A formal launch of the commemorative year at the AU's Ordinary Summit in January 2019.
- Six **continental consultative meetings** of AU Member States and other stakeholders, focused on refugees, returnees, IDPs or statelessness issues, as well as cross-cutting continental consultative meetings focused on issues affecting all these persons of concern. Each meeting will: be informed by input from a multi-stakeholder working group; be informed by authoritative background papers and notes; and produce a Chairperson's Summary of conclusions and recommendations on pledges and commitments.
- A **Humanitarian Summit** on Refugees, IDPs and Returnees, which will translate the aforementioned Chairperson's Summaries into state commitments in a Declaration and action pledges in and Plan of Action.

- A multi-year law and policy **humanitarian action training**.
- The development and publication of an authoritative legal **commentary** on the OAU Convention.
- National-level **workshops to promote ratification and implementation** of the Kampala Convention.
- **Advocacy for domestication** of the AU Convention on IDPs -Kampala Convention, centered around the AU's model law on the implementation of the Kampala Convention.
- 'Memories of African and International Humanitarian Solidarity with Refugees from Southern Africa', a **traveling exhibition** comprising archive photos on root causes, protection, assistance and solutions; a short film documentary and; a panel discussion with key individuals.
- A **side event on climate- and disaster-related displacement**.
- The publication of a **mémoire book** to serve as a historical record of Project 2019.

24. All activities will be supported by the Champion of the Theme of the Year, a current Head of State. Activities will also be publicized via a comprehensive **communications strategy**, including coherent branding (a logo is in the process of being finalized), a dedicated website and social media.

25. Activities will engage key partners, including: persons of concern; AU Member States; the Pan African Parliament; ECOSOC; the UN Special Rapporteur on the Human Rights of IDPs; the African Commission Special Rapporteur on Refugees, Asylum Seekers, IDPs and Migrants in Africa; intergovernmental partners, including other UN agencies; academia; private sector, faith based organizations and civil society. Activities in relation to the Kampala Convention will be coordinated with activities to commemorate the 20th anniversary of the Guiding Principles on Internal Displacement in 2018. The activities will also support the operationalization of the forthcoming Global Compact on Refugees.

26. Each activity is addressed in more detail below.

OAU Refugee Convention activities

- The refugee-focused regional consultative meetings will cover:
 - Supervision and monitoring of the OAU Refugee Convention; and
 - Solidarity and responsibility sharing: socio-economic inclusion and solutions within the framework of the Global Compact on Refugees.
- The 'Memories of African and International Humanitarian Solidarity with Refugees from Southern Africa' travelling exhibition will focus on Southern Africa, placing the OAU Refugee Convention and international responsibility sharing in this historical perspective. The travelling exhibition will comprise archive photos on root causes, protection, assistance and solutions; a short film documentary and; a panel discussion with key individuals.
- The commentary will be edited by a group of eminent scholars from Africa and beyond with significant expertise in the regional law of refugee protection in

Africa. Authors will produce chapters on each provision of the OAU Convention, in addition to several thematic chapters. The authors will draw on other Project 2019 activities in their research methodologies.

Kampala Convention activities

- The IDP-focused regional consultative meeting will cover the promotion, ratification and implementation of the Kampala Convention.
- Project 2019 will support ongoing national-level UNHCR activities to promote the ratification of the Kampala Convention.
- The advocacy for the domestication of the Kampala Convention will support the AU Commission and the AU Commission on International Law to publish and disseminate the AU's new model law on the implementation of the Kampala Convention.

Cross-cutting activities

- The cross-cutting continental consultative meetings will cover:
 - Regional Parliamentarians high level dialogue on the year of refugees, IDPs and returnees;
 - Protection sensitive responses to mixed migration in Africa; and
 - Statelessness.
- African Union Humanitarian Summit will be held in late 2019 and will seek to adopt a decision, declaration or resolution giving effect to the Chairpersons' summaries that will emerge from each of the six regional consultative meetings.
- The training component involves continuing the development and roll-out of a multi-year training initiative, titled 'The AU Humanitarian Architecture: Law and Policy Training' also known as the "Livingstone Syllabus". The training is principally aimed at mid- and senior-level civil service officials from AU Member State governments. It will equip them to identify and explain key international and regional law and policy standards and to apply them in their national contexts. It will also provide a forum for participants to share experience and best practices. The training will ultimately be accredited by a leading African university, which will allow participants to be awarded academic credits and a recognized certificate upon completion of the course. All training materials will be made freely available on-line, on the Project 2019 website and elsewhere.
- The side event on climate- and disaster-related displacement in 2019 which will draw attention to current and anticipated patterns of displacement in the context of more frequent and intense droughts, floods and other climate-related pressures. It will present reflections on the role of both legal instruments, discuss effective practices for responding to climate- and disaster-related displacement and showcase concrete African response initiatives.
- The *mémoire* book will include a high-level foreword and an introductory chapter providing an overview of Project 2019. It will also collate all the

documents produced in connection with the commemorative year, such as the outcome documents from each of the regional consultative meetings and the Humanitarian Summit, as well as the background papers prepared for the regional consultative meetings. The book may also contain academic articles on any of the topics covered by Project 2019.

ORGANIZATION

27. Project 2019 is governed by the African Union with strong collaboration and involvement of the PRC Sub-Committee on Refugee, Returnees and Displaced Persons and other stakeholders.

2019-02-07

Concept note on the theme of the year: “refugees, returnees and internally displaced persons: towards durable solutions to forced displacement in Africa

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